

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO EDISON COMPANY)	
)	
and)	
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING COMPANY,)	
)	Case No. 5:17-CV-00746
Plaintiffs,)	
)	Judge Solomon Oliver, Jr.
v.)	
)	Magistrate Judge Thomas M. Parker
DIRECT ENERGY BUSINESS LLC,)	
)	
Defendant.)	
)	

DECLARATION OF COUNSEL

In accordance with 28 U.S.C. § 1746, the undersigned states:

1. My name is Mark A. Whitt. I am over the age of 18 and have personal knowledge of the matters set forth in this declaration.
2. I am counsel for Direct Energy Business, LCC (Direct) in the above-captioned proceeding.
3. I am also counsel for Direct in the proceeding at the Public Utilities Commission of Ohio (PUCO) styled *Direct Energy Business, LLC v. Ohio Edison Company and The Cleveland Electric Illuminating Co.*, Case No. 17-791-EL-CSS. The docket in that proceeding is accessible through the following link:

<http://dis.puc.state.oh.us/CaseRecord.aspx?CaseNo=17-791&x=16&y=14>

EXHIBIT A

4. Attachment A-1 to this declaration is a true and accurate copy of the Electric Generation Supplier Coordination Tariff of Ohio Edison Company, referenced in paragraph 10 of the Complaint in this proceeding. This tariff is also on file with the PUCO and is accessible through the following link:

<https://www.puco.ohio.gov/emplibrary/files/docketing/tariffs/Electric/The%20Ohio%20Edison%20Company,%20FIRSTENERGY/PUCO%20S-2%20Supplier%20Tariff.pdf>
5. The Cleveland Electric Illuminating Company maintains an Electric Generation Supplier Coordination Tariff with the same provisions as Ohio Edison's. It is also on file with the PUCO and is accessible through the following link:

<https://www.puco.ohio.gov/emplibrary/files/docketing/tariffs/Electric/The%20Cleveland%20Electric%20Illuminating%20Company,%20FIRSTENERGY/PUCO%20S-2%20Supplier%20Tariff.pdf>
6. Attachment A-2 to this declaration is a true and accurate copy of the complaint filed in PUCO Case No. 17-791-EL-CSS. Exhibit A to that complaint are true and accurate copies of Coordination Agreements between Direct's predecessor and the Plaintiffs in this case.
7. Attachment A-3 to this declaration is a true and accurate copy of the Answer filed in PUCO Case No. 17-791-EL-CSS.
8. I declare under penalty of perjury that the foregoing is true and correct.



Executed on May 12, 2017

Mark A. Whitt